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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,978	03/15/2000	Sean Nolan	004444.P001	9734

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 12/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/526,978

Applicant(s)

NOLAN, SEAN

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Request for Continued Examination filed on 11/21/2003 (paper # 9) and the Amendment filed on 10/28/2003 (paper # 7). Claims 1-20 are presented for examination.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain, U.S. pat. No.6,480,853.

As to claim 1, Jain discloses a method comprising:

storing data on a server (26 fig.2) coupled to receive requests from client devices (24 fig.2) and generating a set of one or more common search requests (see abstract, fig.2, col.4 lines 1-42).

performing the set of common search requests to identify one or more products (locate user's requests), storing on the server one or more products as a result of the set of common search requests (see col.6 lines 4-64).

receiving a subsequent search request from a client device (24 fig.2), determine whether the subsequent search request is one of the common search requests and providing an identified product if the subsequent search request is one of the common search requests (i.e., using search engine to receive requests from client devices and find a particular interest and returning the corresponding Web pages, see figs. 4, 5, col.5 line 5 to col.6 line 64 and col.7 lines 7-44).

As to claim 2, Jain discloses all requests from a particular user during a session are directed to the server (see col.5 line 5 to col.6 line 64).

As to claim 3, Jain discloses all requests that occur between a first request of the session and a predetermined period of time during which no request is received by the server (see col.6 line 4 to col.7 line 36).

As to claim 4, Jain discloses the data and information related to the session are maintained in volatile memory of the server (see col.4 line 21 to col.5 line 44).

As to claims 5-7, Jain discloses one or more commonly search requests including one or more frequently performed searches, one or more searches for a category of information relating to

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various products and for use with an electronic commerce World Wide Web site (see fig.3, col.5 line 19 to col.6 line 64).

Claims 8-14 are rejected for the same reasons set forth in claims 1-7 respectively.

As to claims 15 and 18, Jain discloses a method comprising:

receiving a product request (i.e., cellular telephones) from a client device (24 fig.2), establishing a connection between the client device (24 fig.2) and a server (through network or Internet) from a group of one or more servers and directing the request to a server (26 fig.2) from a group of one or more (see fig.2, abstract, fig.2, col.4 lines 1-42).

storing information related to the client access in a volatile memory of the server and maintaining the information related to the client access in the volatile memory until a predetermined period of inactivity passes (see fig.4, col.5 line 34 to col.6 line 64).

reconnecting the client device to the server based, at least in part, on the information related to the client access, if the connection is broken before the period of inactivity passes (using bookmarks information storing in the client device, see col.7 lines 6-43).

As to claims 16 and 19, Jain discloses directing all product requests from the client device to the server until a predetermined period of inactivity passes (see fig.4, col.5 line 34 to col.6 line 64 and col.7 lines 13-43).

As to claims 17 and 20, Jain discloses directing requests from the client device during multiple sessions to the server, if the multiple sessions start before the predetermined period of inactivity passes (see fig.4, col.2 lines 19-47, col.5 line 34 to col.6 line 64 and col.7 lines 13-43).

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but they are found not persuasive.

* Applicant asserts that the Jain reference does not disclose determining whether a subsequent search request is a common search request and reconnecting a client device to a server based on at least on the client device access, if a connection is broken before a predetermined period of inactivity passes.

Examiner respectfully disagrees. Jain discloses determining whether a subsequent search request is a common search request (i.e., using search engine to receive requests from client devices and find a particular interest and returning the corresponding Web pages, see figs. 4, 5, col.5 line 5 to col.6 line 64 and col.7 lines 7-44) and reconnecting a client device to a server based on at least on the client device access, if a connection is broken before a predetermined period of inactivity passes (using bookmarks information storing in the client device, see col.7 lines 6-43) as rejected above.

Conclusion

5. Claims 1-20 are ***rejected***.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam Hosain, can be reached on (703) 308-6662. The fax phone number for this group is (703) 746-7239.

A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U.S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 C.F.R. 1.136(A).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

Khanh Dinh
Patent Examiner
Art Unit 2155
12/12/2003


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER